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KIMBAL MUSK, and LINDA JOHNSON RICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**STIPULATION AND ORDER FOR ISSUANCE
OF LETTERS ROGATORY**

**MAGISTRATE JUDGE KANDIS A.
WESTMORE**

WHEREAS, by Order dated November 27, 2018, the Court appointed Glen Littleton (“Littleton” or “Plaintiff”) as lead plaintiff in this action (Dkt. No. 152).

WHEREAS, on January 16, 2019, Littleton filed a Consolidated Class Action Complaint against Elon Musk, Tesla, Inc., Brad W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias, James Murdoch, Kimbal Musk, and Linda Johnson Rice (Dkt. No. 184).

1 WHEREAS, Defendants filed a Motion to Dismiss the Consolidated Class Action
2 Complaint on November 22, 2019 (Dkt. No. 227).

3 WHEREAS, the Court Denied Defendants' Motion to Dismiss on April 15, 2020 (Dkt. No.
4 251).

5 WHEREAS, on November 25, 2020, the Court entered an Order granting the parties'
6 stipulation for Class Certification (Dkt. No. 298).

7 WHEREAS, the factual allegations of the Consolidated Class Action Complaint include
8 allegations regarding a meeting between certain Defendants and representatives of Saudi Arabia's
9 sovereign wealth fund, the Public Investment Fund.

10 WHEREAS, Plaintiff now seeks testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,
11 and Naif Al Mogren of the Public Investment Fund.

12 WHEREAS, Plaintiff believes that it cannot serve a third-party subpoena on the Public
13 Investment Fund because it has no U.S. offices of subsidiaries.

14 WHEREAS, Plaintiff requested that Defendants consent to Plaintiff's motion for the
15 issuance of letters rogatory, and Defendants consented;

16 WHEREAS, on January 21, 2020, the Court ordered that, if Defendants consent to the
17 issuance of letters rogatory, the parties shall submit a stipulation to the issuance of letters rogatory;

18 WHEREAS, Plaintiff respectfully requests, and Defendants do not oppose, that this Court
19 issue pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure 26(b)(1) and 28(b) the
20 accompanying letters rogatory to obtain testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,
21 and Nai Al Mogren of the Kindgom of the Public Investment Fund.

22 WHEREAS, Plaintiff believes that its requests for evidence are narrowly tailored and will
23 not impose an undue burden on the Public Investment fund or H.E. Yasir Al-Rumayyan, Saad Al
24 Jarboa, or Nai Al Mogren.

25 WHEREAS, this Court has authority to issue the letters rogatory.

26 WHEREAS, Plaintiff and Defendants agree to the terms and conditions set forth in this
27 stipulation.

1 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by counsel for
2 the parties listed below, subject to the approval of the Court, that:

3 1. The accompanying letters rogatory to obtain testimony from H.E. Yasir Al-
4 Rumayyan, Saad Al Jarboa, and Nai Al Mogren of the Kindgom of the Public Investment Fund
5 should be issued by the Court pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure
6 26(b)(1) and 28(b).

7
8
9 Dated: January 28, 2021

LEVI & KORSINSKY, LLP

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 Lead Counsel for the Class*

1 Dated: January 28, 2021

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24 *Attorneys for Defendants Tesla, Inc., Elon Musk,*
25 *Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,*
26 *Antonio J. Gracias, James Murdoch, Kimbal*
27 *Musk, and Linda Johnson Rice*

28 Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation.

23 Dated: January 28, 2021

LEVI & KORSINSKY, LLP

24 By: /s/ Adam M. Apton
25 Adam M. Apton

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** In light of the parties'
2 stipulation, the Court terminates Plaintiff's motion for issuance of letters rogatory (Dkt. No. 303)
3 as moot.
4

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6 Dated: January 29, 2021

